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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 Cung Le, Nathan Quarry, Jon Fitch, Brandon
20 Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
others similarly situated,

21 Plaintiffs,

22 vs.

23 Zuffa, LLC, d/b/a Ultimate Fighting
24 Championship and UFC,

25 Defendant.

26 Case No.: 2:15-cv-01045 RFB-(PAL)

27 **PLAINTIFFS' OPPOSITION TO ZUFFA,
28 LLC'S MOTION TO SEAL PORTIONS
OF ZUFFA'S OPPOSITION TO
PLAINTIFFS' MOTION TO
CHALLENGE ATTORNEY-CLIENT
PRIVILEGE (ECF NO. 330) AND
RELATED EXHIBITS**

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Zuffa LLC’s Motion to Seal Portions of Plaintiffs’ Motion to Challenge Attorney-Client Privilege and Related Exhibits (ECF No. 324, the “Motion to Seal”) asks the Court to seal Exhibits B and C to the Declaration of Stacey K. Grigsby in Support of Zuffa, LLC’s Opposition to Plaintiff’s Motion to Challenge Attorney-Client Privilege (ECF No. 320) (the “Grigsby Opposition Declaration”), as well as portions of Zuffa’s Opposition to Plaintiffs’ Motion to Challenge Attorney-Client Privilege (ECF No. 320), Exhibit A to the Grigsby Opposition Declaration, and the Appendix of Exhibits in support thereof. Zuffa seeks to seal these documents on two separate bases: first, that the documents contain confidential information; and second, that the documents contain privileged attorney-client communications. Motion to Seal at 1 (“Because these documents implicate and contain Zuffa’s confidential and privileged information, Zuffa moves to file these exhibits and the portion of Zuffa’s opposition reflecting this confidential information under seal.”). Plaintiffs take no position as to whether these documents contain confidential information (as opposed to privileged information), and do not oppose sealing the documents solely on the limited basis that they have been designated Confidential by Zuffa, should the Court find those designations appropriate. However, these documents are not privileged, and Plaintiffs oppose Zuffa’s Motion to Seal to the extent that it asserts Privilege as a basis for sealing. At a minimum, since the asserted privilege is in dispute, Plaintiffs believe it would be premature to seal the documents on that basis before the Court has ruled on whether the documents are in fact privileged. Accordingly, Plaintiffs ask that the Court deny Zuffa’s Motion to Seal to the extent it is based on purported attorney-client privilege.

II. ARGUMENT

A. The Challenged Documents Are Not Privileged.

Plaintiffs refer the Court to their Motion to Challenge and their prior Opposition To Motion To Seal (ECF No. 327), incorporated herein in their entirety by this reference, for a detailed argument as to why these Documents are not privileged. To summarize, the documents contain only descriptions and discussions of Zuffa's contract negotiations and commercial strategies. The documents neither seek nor convey any legal analysis or advice, and are therefore not privileged. *See Cung Le v. Zuffa, LLC* ("Le v.

Zuffa”), 2016 U.S. Dist. LEXIS 69813, *23-24 (D. Nev. May 26, 2016) (holding that documents that merely “report[] the parties’ negotiating positions and contain[] no legal analysis or advice,” or which “relate to the negotiating parties’ commercial strategies and tactics . . . are not privileged”).

III. CONCLUSION

For the reasons stated above this Court should deny Zuffa's Motion to Seal to the extent that it asserts attorney-client privilege as the basis for sealing. Plaintiffs take no position regarding Zuffa's designation of the documents as Confidential, and do not oppose sealing the documents on that basis, should the Court find Zuffa's designations appropriate.

Dated: January 10, 2017

Respectfully Submitted,
JOSEPH SAVERI LAW FIRM, INC.

By: _____ /s/Kevin E. Rayhill
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2017 a true and correct copy of
PLAINTIFFS' OPPOSITION TO ZUFFA, LLC'S MOTION TO SEAL PORTIONS OF
PLAINTIFFS' MOTION TO CHALLENGE ATTORNEY-CLIENT PRIVILEGE AND
RELATED EXHIBITS was served via the District of Nevada's ECF system to all counsel of record
who have enrolled in the ECF system.

By:

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